



## STATE STATUTES

CURRENT THROUGH NOVEMBER 2021

# Making and Screening Reports of Child Abuse and Neglect

To find statute information for a particular State or Territory, go to the [State Statutes Search](#).

All 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands have laws and policies that specify procedures for making and responding to reports of suspected child abuse or neglect. These laws require certain professionals, known as mandated reporters, to make an immediate report when they suspect or know of abusive or neglectful situations. (For more information about the requirements for these individuals to report, see Child Welfare Information Gateway's [Mandatory Reporting of Child Abuse and Neglect](#).) State laws and policies also specify the required content of reports, criteria for screening reports, investigation or assessment procedures, timeframes for completing investigations or assessments, and classification of investigative findings. Many States also have special procedures for handling child fatalities and substance-exposed children.

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## CONTENT OF REPORTS

Reports can be made by phone to child protective services (CPS) or a local law enforcement agency. Most States have a statewide child abuse hotline for this purpose, and many States have electronic reporting systems for receiving reports on the internet. In 18 States, American Samoa, Guam, and Puerto Rico, a mandated reporter is required to submit a written report after he or she has made an oral report.<sup>1</sup> In nine States, the District of Columbia, and the Virgin Islands, a written report is required only when requested by the department or agency that received the initial report.<sup>2</sup>

Most States specify in statute the types of information that should be included in a report of suspected abuse or neglect. The reporter will be asked to provide as much information about the child's situation as he or she can, including the names and addresses of the child and the child's parents or other persons responsible for the child's care, the child's age, conditions in the child's home environment, the nature and extent of the child's injuries, and information about other children in the home.

## REPORTING SUSPICIOUS DEATHS

Approximately 35 States, American Samoa, Guam, the Northern Mariana Islands, and Puerto Rico provide for specific reporting procedures to be followed when the reporter suspects that child abuse or neglect may have caused the death of a child.<sup>3</sup> Typically, the statutes instruct a mandatory reporter to report a suspicious child death to a medical examiner or coroner. For States that do not have specific reporting procedures for suspicious child deaths, standard child abuse reporting procedures apply.

## REPORTING SUBSTANCE-EXPOSED INFANTS

Mothers who use drugs or alcohol during their pregnancy may give birth to infants who show signs or symptoms of drug exposure. The Federal Child Abuse Prevention and Treatment Act requires States to have policies and procedures to address the needs of substance-exposed infants.<sup>4</sup> Approximately 40 States and the District of Columbia have specific notification procedures for cases of newborn infants who are diagnosed as suffering from the effects of prenatal substance exposure of a fetal alcohol spectrum disorder.<sup>5</sup> In most cases, a notification is not considered a report of child

<sup>1</sup> Alabama, California, Colorado, Connecticut, Hawaii, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New York, Pennsylvania, and Rhode Island

<sup>2</sup> Georgia, Kansas, Kentucky, Maine, New Hampshire, North Dakota, Ohio, Washington, and West Virginia

<sup>3</sup> The word "approximately" is used to stress the fact that States frequently amend their laws and applies to all data in this publication. The information in this publication is current only through November 2022. The 35 States that provide procedures for reporting suspicious child deaths are Arkansas, California, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>4</sup> 42 U.S.C. 5106a(b)(2)(B)(iii) (2019)

<sup>5</sup> Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, and Wisconsin

abuse or neglect unless the child is subject to another condition or circumstance that meets the legal definition of abuse or neglect. Instead of an investigation, the department and/or health-care provider must develop a plan of safe care for the infant and the infant's caregivers.<sup>6</sup> In many States, prenatal exposure to controlled substances is included in definitions of child abuse or neglect.<sup>7</sup>

## AGENCY RECEIVING THE REPORTS

In all jurisdictions, the initial report may be made to either CPS or a law enforcement agency. Laws in 33 States, the District of Columbia, Guam, and Puerto Rico require State agencies to maintain centralized telephone lines 24 hours a day, 7 days a week, for the acceptance of child maltreatment reports.<sup>8</sup> In practice, most States have statewide, toll-free numbers for accepting reports of maltreatment. In 12 States, statutes allow mandatory reporters to submit reports electronically via the Internet.<sup>9</sup>

In nine States, a State agency is required to notify a child's Tribe when it is determined that the child is a Native American child or is eligible for Tribal membership.<sup>10</sup> In three States, a report involving an Indian child residing on Tribal lands can be made directly to a Tribal authority or be referred to the

Tribe for investigation by the State agency.<sup>11</sup>

In three States, the State agency may assist in an investigation only when the Tribe requests assistance.<sup>12</sup> For Indian children not residing on Tribal lands, protective agencies in four States may respond to a report, but the child's Tribe must be notified that a report has been received.<sup>13</sup>

In 13 States, the appropriate military authorities, such as representatives of family advocacy programs, must be notified when a report is received that concerns a child whose parent or guardian is a member of the armed forces.<sup>14</sup> In these cases, CPS and military authorities may share information and coordinate their investigations of the reports.

## INITIAL SCREENING DECISIONS

The laws and policies in all jurisdictions specify procedures for the initial response required by the agencies receiving the reports. The ultimate purpose of the reporting system is to ensure the child's safety and well-being.<sup>15</sup> In most States, the agency that receives a report of suspected child abuse or neglect will first screen the report to determine whether it meets the criteria for acceptance. For acceptance, the report must concern actions that meet the statutory definition of child abuse or neglect in that

<sup>6</sup> For more information on this requirement, see Child Welfare Information Gateway's [Parental Substance Use as Child Abuse](#).

<sup>7</sup> For more information, see Information Gateway's [Definitions of Child Abuse and Neglect](#).

<sup>8</sup> Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, and Wyoming

<sup>9</sup> Arizona, California, Connecticut, Florida, Georgia, Illinois, Maine, Michigan, Mississippi, Nevada, New York, and Pennsylvania have provisions for electronic reporting. For a State-by-State listing of telephone numbers and websites for making reports, see Information Gateway's [State Child Abuse and Neglect Reporting Numbers](#).

<sup>10</sup> California, Idaho, Maine, Michigan, Minnesota, New Mexico, Oregon, Tennessee, and Wisconsin

<sup>11</sup> Arizona, Minnesota, and New Mexico

<sup>12</sup> Idaho, New Mexico, and Oregon

<sup>13</sup> California, Idaho, Minnesota, and New Mexico

<sup>14</sup> Colorado, Georgia, Idaho, Indiana, Louisiana, New Jersey, Oklahoma, Oregon, South Carolina, South Dakota, Washington, West Virginia, and Wyoming

<sup>15</sup> For an overview of the process, see Information Gateway's [How the Child Welfare System Works](#).

State.<sup>16</sup> Typically, this will involve situations of harm or threatened harm to a child committed by a parent, guardian, or other person responsible for the child's care. Reports that do not meet the statutory criteria are screened out. Reports that meet the criteria are screened in and referred to the State CPS agency for response.

The approaches used to screen reports vary from State to State, but nearly all States utilize a type of safety assessment to determine which reports require immediate responses.<sup>17</sup> Approximately 37 States and the District of Columbia categorize reports based on the level of risk of harm to the child and assign different response times.<sup>18</sup> Twenty-four States and the District of Columbia use differential response systems in which any case identified as presenting a high risk of harm is assigned to be investigated, and any case where the risk of harm is low to moderate an alternative response approach is assigned in which an assessment of the family's strengths and need for intervention services to reduce the risk of future harm to the child is conducted.<sup>19</sup>

## AGENCY CONDUCTING THE ASSESSMENT/INVESTIGATION

Investigations may be conducted by the CPS agency, a law enforcement agency, or cooperatively by both agencies. To better coordinate the investigative process, five States and the District of Columbia use multidisciplinary teams.<sup>20</sup> These teams typically include representatives from CPS, law enforcement, prosecutors' offices, and health and mental health services who work together to reduce trauma to child victims by avoiding the necessity of multiple interviews. In nine States, statutes require that interviews of children may be conducted by multidisciplinary teams at children's advocacy centers.<sup>21</sup>

In approximately 24 States and the Virgin Islands, cases that involve physical or sexual abuse or possible criminal conduct may be investigated by a law enforcement agency.<sup>22</sup>

In 15 States, reports are referred to law enforcement agencies when the person who is alleged to be responsible for the abuse is a person other than the parent or other caregiver.<sup>23</sup> Most States also require cross-reporting among professional entities. Typically, reports are shared among social services agencies, law enforcement agencies, and prosecutors' offices.<sup>24</sup>

<sup>16</sup> See Information Gateway's [Definitions of Child Abuse and Neglect](#).

<sup>17</sup> For a discussion of assessment requirements, see Information Gateway's [The Use of Safety and Risk Assessments in Child Protection Cases](#).

<sup>18</sup> Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, West Virginia, and Wyoming

<sup>19</sup> Colorado, Connecticut, Delaware, Illinois, Kentucky, Louisiana, Maryland, Minnesota, Missouri, Nevada, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming

<sup>20</sup> Delaware, Missouri, Tennessee, Utah, and Virginia specifically require the use of multidisciplinary teams in statutes; other States may provide for the use of teams in policy. In the District of Columbia, use of multidisciplinary teams is required only for sexual abuse cases.

<sup>21</sup> Alaska, Delaware, Kentucky, Maine, New Jersey, North Dakota, Ohio, Rhode Island, and Tennessee

<sup>22</sup> Alaska, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, South Carolina, Texas, Vermont, Virginia, Washington, and Wyoming

<sup>23</sup> Alabama, Alaska, Colorado, Connecticut, Florida, Illinois, Iowa, Kentucky, Louisiana, Michigan, New Mexico, Oklahoma, Pennsylvania, Texas, and Vermont

<sup>24</sup> See Information Gateway's [Cross-Reporting Among Agencies That Respond to Child Abuse and Neglect](#).

In States that have differential response systems in which cases identified as presenting low to moderate risk of harm to the child are assigned to family assessment, those assessments are conducted by CPS or other social services agencies.

## **ASSESSMENT/INVESTIGATION PROCEDURES**

The primary purpose of an investigation is the protection of the alleged child victim. The focus is on determining the nature, extent, and cause of the abuse or neglect and identifying the person responsible for the maltreatment. Elements of an investigation may include the following:

- A check of agency records to determine prior involvement of the family with CPS
- A visit to the child's home
- An interview or observation of the child victim
- Interviews or observation of other children living in the child's home
- Risk and safety assessments
- Evaluation of the home environment
- Interviews of the child's parents, caregivers, or other adults residing in the child's home
- Checks of criminal records and central registry records for all adults residing in the home
- Medical and mental health evaluations

In States that offer a differential response track, an assessment of the family is conducted when the initial referral does

not allege a serious safety or immediate risk of harm to the child. The assessment consists of many of the same elements as an investigation, but the focus is more on engaging the family to identify strengths and service needs and referring the family to community services that will reduce the risk of harm and improve family well-being. Acceptance of the services by the family is voluntary, and no finding of abuse or neglect is made.

A case that has been assigned to the differential response track may be referred for a CPS investigation if, at any time during a family assessment, the department determines that there is reason to believe that substantial child abuse or neglect or a serious threat to the child's safety exists. A report that has been referred for an investigation may be reassigned for family assessment and services at any time if the department determines there is a lower risk to the child.

## **TIMEFRAMES FOR COMPLETING INVESTIGATIONS**

All States require CPS to initiate an investigation in a timely manner, which is generally within 72 hours. In addition, most States require investigations to be initiated immediately, in as little as 2 hours and no longer than 24 hours, when there is reasonable cause to believe that a child is in imminent danger. In 31 States, the District of Columbia, Guam, and the Northern Mariana Islands, laws also specify a timeframe for completing the investigation or assessment: generally between 30 and 60 days.<sup>25</sup>

<sup>25</sup> Alaska, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin



This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

## CLASSIFICATION OF REPORTS

During an investigation, a determination must be made as to whether child abuse or neglect has occurred and the identity of the person responsible for the maltreatment. Many States specify a system for classifying these findings. Generally, reports are "substantiated" when the investigation reveals that maltreatment did, in fact, occur. Other terms for "substantiated" include "founded," "indicated," or "confirmed." In 27 States, the investigation must provide a "preponderance of evidence" before a report can be substantiated; that is, the evidence must show that it is more likely than not that the maltreatment occurred.<sup>26</sup>

<sup>26</sup> Alabama, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Kentucky, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York (effective January 1, 2022), North Dakota, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin

<sup>27</sup> Florida, Illinois, Maryland, Nevada, New Mexico, Oklahoma, Pennsylvania, and Wyoming

<sup>28</sup> Arizona, Connecticut, Hawaii, Massachusetts, Oregon, and Vermont

Eight States and the District of Columbia require credible or substantial evidence for substantiation;<sup>27</sup> six States will substantiate a report when there is probable or reasonable cause to believe that abuse or neglect has occurred.<sup>28</sup>

When the results of the investigation are unable to confirm the occurrence of abuse or neglect, a report may be classified as "unsubstantiated." Other terms for "unsubstantiated" can include "unfounded," "not indicated," or "unconfirmed."

### SUGGESTED CITATION:

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